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October 11, 2018

**BY ECF**

Honorable Deborah Batts  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2510  
New York, NY 10007  
Telephone: (212) 805-0186

Re: **Jennifer Berkeley-Carr v. New York City Transit Authority, Marva Brown and David Chan**  
**1:16-cv-09957 (DAB)**

Dear Judge Batts:

This office represents the Defendants New York City Transit Authority, Marva Brown and David Chan (collectively “Defendants”) in the above-entitled action. This letter is written to inform the Court that the parties have been unable to reach a settlement in this case.

In accordance with this Court’s individual practice and rules, this letter is also written for the purpose of notifying this Court and Plaintiff of Defendants’ intent to file for summary judgment. Within 10 days of this letter, Defendants will serve and file a letter setting forth the bases for the motion as set forth in the rules.

Thank you very much for your attention to and consideration of this matter.

Very truly yours,  
**/s/Mariel A. Thompson**  
Mariel A. Thompson, Esq.  
*Executive Agency Counsel*

**By ECF & Regular Mail**

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